

Appl. No. 10/642,949
Attorney Docket No.: 2002B116/2
Response dated: December 21, 2006
Reply to Final Action of September 29, 2006

REMARKS/ARGUMENTS

This reply is in response to the Final Office Action mailed on September 29, 2006. Claims 1-5, 8-21, 24, and 26-78 are pending in the application and stand rejected. Entry of the foregoing amendment and reconsideration of the claims is respectfully requested.

Applicant respectfully requests that the finality of the Office Action mailed on September 29, 2006, be withdrawn, since a first action Final after the filing of Applicant's RCE is premature. The "Final" Office Action mailed on September 29, 2006, includes a new ground of rejection over claims 64-66, 68-69, 71-72, and 74-78, under 35 U.S.C. § 112, first paragraph. Such claims were added new with the Applicant's submission under 37 C.F.R. § 1.114, and are therefore entitled to at least one non-final consideration. For at least this reason, withdrawal of the finality of the Office Action mailed on September 29, 2006, is respectfully requested.

Applicant also wishes to thank the Examiner for the interview on December 14, 2006, with Applicant's representatives. In accordance with the interview, Applicant has amended the base claims, as shown, and has cancelled claims 22, 46-50, 64-66, 68-69, 71-72, and 74-78 without prejudice to place the application in condition for allowance. In particular, Applicant has amended base claims 1 and 17 to recite a puncture resistance damaging energy value of at least 125 mJ/μm. Such puncture resistance and the other presently claimed combination of compositional and physical characteristics is not taught, shown, or suggested by the prior art. Claim 22 was cancelled, and claims 4-5 and 16-17 were amended to recite further limiting puncture resistance damaging energies. As such, the pending claims are in condition for allowance. Withdrawal of the rejections and allowance of the claims is respectfully requested.

Claims 64-66, 68-69, 71-72, and 74-78 were rejected under 35 U.S.C. § 112, first paragraph. Applicant has cancelled those claims without prejudice to place the application in condition for allowance. Withdrawal of the rejection, and allowance of the claims, is thus respectfully requested.

Claims 1-5, 8-22, 24, and 26-78 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,359,072 to Whaley (hereinafter "Whaley"). Claims 1-5, 8-22, 24 and 26-78

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also were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,482,532 to Yap *et al.* (hereinafter "Yap"). Applicant respectfully traverses the rejections.

Neither Whaley nor Yap, alone or in combination, teach, show, or suggest polymer films having the presently claimed combination of compositional and physical characteristics. Whaley discloses three films having a puncture resistance of about 25 in-lb/mil or less which is about 111 mJ/ μ m or less. See Whaley at Table 1. Yap discloses films having a puncture resistance of even less. See Yap at Table 2, reporting puncture energies of 0.3 J for 11 μ m gauge copolymer films (about 27 mJ/ μ m). For at least this reason, neither Whaley nor Yap teach, show, or suggest a film comprising 1) a polyethylene copolymer having the unique combination of a CDBI of at least 70%, a melt index $I_{2.16}$ of from 0.1 to 15 g/10 min, a density of from 0.910 to 0.940 g/cm³, a melt index ratio $I_{21.6}/I_{2.16}$ of from 30 to 80, and an M_w/M_n ratio of from 2.5 to 5.5; and 2) a low density polyethylene (LDPE) having a melt index $I_{2.16}$ of from 0.05 to 10 g/10 min and a density of from 0.920 to 0.940 g/cm³, wherein the film has a clarity value of at least 10%; a puncture resistance damaging energy value of at least 125 mJ/ μ m; a machine direction plastic force of less than 7 cN/15 mm, and a machine direction shrink stress of at least 1.10 mPa, as recited in every claim. Such unique combination of physical properties produces a shrink film having a surprising and unexpected balance of optical, physical, and mechanical properties. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections.

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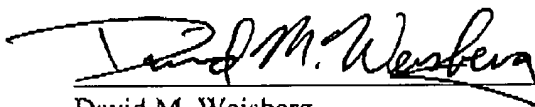
CONCLUSION

Having addressed all issues set out in the office action, Applicant respectfully submits that the pending claims are now in condition for allowance. Applicant invites the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been addressed to the Examiner's satisfaction.

A petition for extension of time for filing this response is attached; however, in the event that petition becomes separated from this Response, the Commissioner is hereby authorized to charge Deposit Account No. 05-1712 (Docket No. 2002B116/2), for any fees, including extension of time fees and excess claim fees, required to make this response timely and acceptable to the Office.

Respectfully submitted,

Date: 12/21/06



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